

FILED

12 SEP 24 PM 1:55

CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

NY *rum* DEPUTY

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10 FIA Card Services N.A.

11 UNITED STATES DISTRICT COURT
12 SOUTHERN DISTRICT CALIFORNIA

13 FRANK ANTONIO CORONA,
14 ROSALIE J. CORONA, and
15 FRANCESCA CORONA,

16 Plaintiff,

17 vs.

18 FIA CARD SERVICES N.A. and Does 1
19 through 100,

20 Defendants.

Case No. 12CV2322 LAB JMA

[Removal from Superior Court of
California, County of San Diego Case
No. 37-2012-00102808-CU-NP-CTL]

**NOTICE OF REMOVAL OF CIVIL
ACTION UNDER 28 U.S.C. § 1441(b)
AND (c)**

[FEDERAL QUESTION]

Complaint Filed: August 22, 2012

ORIGINAL

REED SMITH LLP
A limited liability partnership formed in the State of Delaware

FAXED

1
2 **TO THE CLERK OF THE UNITED STATES DISTRICT COURT FOR THE**
3 **SOUTHERN DISTRICT OF CALIFORNIA:**

4 PLEASE TAKE NOTICE that Defendant FIA CARD SERVICES N.A. ("FIA")
5 hereby removes this action described below from the Superior Court of California for
6 the county of San Diego to the United States District Court for the Southern District of
7 California, pursuant to Sections 1331, 1441(b) and (c), and 1446 of Title 28 of the
8 United States Code ("U.S.C."). The removal is based on the following:

9 I. REMOVAL IS PROPER BECAUSE THIS COURT HAS SUBJECT MATTER
10 JURISDICTION PURSUANT TO 28 U.S.C. SECTIONS 1331 AND 1441

11 1. On August 22, 2012, Plaintiffs Frank Antonio Corona, Rosalie J. Corona,
12 and Francesca Corona ("Plaintiffs") filed a complaint ("Complaint") against FIA in
13 the Superior Court of the State of California for the County of San Diego, entitled
14 Frank Antonio Corona et al v. FIA Card Services N.A., Case No. 37-2012-00102808-
15 CU-NP-CTL (hereinafter, the "State Court Action"). The Complaint alleges (1)
16 Violation of the Rosenthal Fair Debt Collection Practices Act, Cal. Civ. Code Section
17 1788 *et seq.*; (2) Violation of the Telephone Consumer Protection Act ("TCPA"), 47
18 U.S.C. Section 227 *et seq.*; and (3) Intrusion. The Complaint and Summons are
19 attached hereto as **Exhibit A**, as required by 28 U.S.C. §1446(a).

20 2. This action is a civil action over which this Court has original jurisdiction
21 under 28 U.S.C. § 1331, and is one which may be removed to this Court pursuant to
22 28 U.S.C. § 1441(b) in that it is a civil action arising under the laws of the United
23 States, specifically the TCPA. *See Mims v. Arrow Financial Services LLC*, 132 S. Ct.
24 740 (2012) (holding that federal question jurisdiction exists for cases alleging
25 violation of the TCPA).

26 3. This Court also has supplemental jurisdiction over Plaintiff's state claims
27 as these claims arise from the same core operative facts relating to FIA's alleged
28 violations of the TCPA. Accordingly, Plaintiff's state law claims are related to

1 Plaintiff's federal question claims, and thereby form a part of the same case and
2 controversy pursuant to 28 U.S.C. § 1367(a).

3 II. THE PROCEDURAL REQUIREMENTS FOR REMOVAL ARE SATISFIED

4 4. FIA was served with the Complaint on August 23, 2012.

5 5. This Notice of Removal is timely in that it is filed within thirty (30) days
6 from the point at which FIA had notice that the action was removable, and less than a
7 year after the commencement of the state court action. See 28 U.S.C. § 1446(b). *See*
8 *also Yanik v. Countrywide Home Loans, Inc.*, CV 10-6268 CAS, 2010 WL 4256312,
9 *3 at fn 6 (C.D. Cal. Oct. 18, 2010) (holding that if 30-day deadline to remove falls on
10 a weekend, removal deadline extends to next court date); *see also* Fed. R. Civ. P. 6(a).

11 6. The Superior Court of California for the County of San Diego is located
12 within the United States District Court for the Southern District of California. See 28
13 U.S.C. § 84(c)(2). Thus venue is proper in this Court because it is the "district and
14 division embracing the place where such action is pending." 28 U.S.C. § 1441(a).

15 7. The only defendant named in the Complaint is FIA. Accordingly, all
16 named defendants consent to this removal.

17 8. In compliance with 28 U.S.C. § 1446(d), FIA will serve on Plaintiff and
18 will file with the Clerk of the Superior Court for the County of San Diego, a written
19 "Notice to the Clerk of the Superior Court of the County of San Diego and To
20 Adverse Parties of Filing of Notice of Removal of Civil Action to Federal Court,"
21 attaching a copy of this Notice of Removal and all supporting papers.

22 9. No previous application has been made for the relief requested herein.

23 ///

24

25

26

27

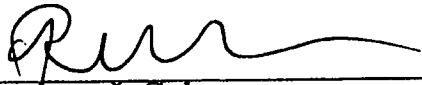
28

1 WHEREFORE, FIA respectfully removes this action from the California
2 Superior Court for the County of San Diego to this Court pursuant to 28 U.S.C. §§
3 1332, 1441 and 1446.

4 DATED: September 24, 2012

6 REED SMITH LLP

8 By


9 Abraham J. Colman
10 Raagini Shah
11 Attorneys for FIA Card Services N.A.

REED SMITH LLP
A limited liability partnership formed in the State of Delaware

EXHIBIT A



**SUMMONS
(CITACION JUDICIAL)**

**NOTICE TO DEFENDANT:
(AVISO AL DEMANDADO):**

FIA CARD SERVICES, N.A. and Docs 1 through 100

**YOU ARE BEING SUED BY PLAINTIFF:
(LO ESTÁ DEMANDANDO EL DEMANDANTE):**

FRANK ANTONIO CORONA, ROSALIE J. CORONA and
FRANCESCA CORONA

SUM-100

FOR COURT USE ONLY
(SOLO PARA USO DE LA CORTE)
CIVIL BUSINESS OFFICE 13
CENTRAL DIVISION

2012 AUG 22 A 9:07

SAN DIEGO COUNTY COURT
SAN DIEGO COUNTY, CA

NOTICE! You have been sued. The court may decide against you without your being heard unless you respond within 30 days. Read the information below.

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (www.lawhelpcalifornia.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), or by contacting your local court or county bar association. **NOTE:** The court has a statutory lien for waived fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case. **¡AVISO!** Lo han demandado. Si no responde dentro de 30 días, la corte puede decidir en su contra sin escuchar su versión. Lea la información a continuación.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California (www.sucorte.ca.gov), en la biblioteca de leyes de su condado o en la corte que le queda más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, (www.lawhelpcalifornia.org), en el Centro de Ayuda de las Cortes de California, (www.sucorte.ca.gov) o poniéndose en contacto con la corte o el colegio de abogados locales. **AVISO:** Por ley, la corte tiene derecho a reclamar los cuotas y los costos orentos por imponer un gravamen sobre cualquier recuperación de \$10,000 o más de valor recibida mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda desechar el caso.

The name and address of the court is:
(El nombre y dirección de la corte es): Superior Court of California,
County of San Diego, Civil Division
330 West Broadway, San Diego, CA 92101

CASE NUMBER:
(Número del Caso):
37-2012-00102808-CU-NP-CTL

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:
(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):
Jeffery R. Menard, Esq., 350 10th Ave., STE 1000 San Diego, CA 92101, 858-240-2566

DATE: 8/21/2012
(Fecha)

AUG 22 2012

Clerk, by
(Secretario)

F. Pachó

Deputy
(Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)
(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).

[SEAL]

NOTICE TO THE PERSON SERVED: You are served

1. ☐ as an individual defendant.
2. ☐ as the person sued under the fictitious name of (specify):

3. ☒ on behalf of (specify): FIA Card Services, N.A.
under: ☒ CCP 416.10 (corporation) ☐ CCP 416.60 (minor)
☐ CCP 416.20 (defunct corporation) ☐ CCP 416.70 (conservatee)
☐ CCP 416.40 (association or partnership) ☐ CCP 416.90 (authorized person)

4. ☒ other (specify):
5. ☒ by personal delivery on (date): 8/23/12

CM-010

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address) Jeffery R. Mcnard (SBN 248508) 350 10th St. Suite 1000 San Diego, CA 92101 TELEPHONE NO.: 858-240-2566 FAX NO. 858-605-6170 ATTORNEY FOR (Name) Frank, Rosalie J. and Francesca Corona		FOR COURT USE ONLY FILED CIVIL BUSINESS OFFICE 13 CENTRAL DIVISION 2012 AUG 22 A 9:07 SAN DIEGO COUNTY, CA
SUPERIOR COURT OF CALIFORNIA, COUNTY OF San Diego STREET ADDRESS: 330 West Broadway MAILING ADDRESS: Same CITY AND ZIP CODE: San Diego, CA 92101 BRANCH NAME: Civil		CASE NUMBER 37-2012-00102808-CU-NP-CTL JUDGE DEPT
CASE NAME: Corona v. FIA Card Services, N.A.		
CIVIL CASE COVER SHEET <input checked="" type="checkbox"/> Unlimited (Amount demanded exceeds \$25,000) <input type="checkbox"/> Limited (Amount demanded is \$25,000 or less) Complex Case Designation <input type="checkbox"/> Counter <input type="checkbox"/> Joinder Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)		

Items 1-6 below must be completed (see instructions on page 2).

1. Check one box below for the case type that best describes this case:

Auto Tort <input type="checkbox"/> Auto (22) <input type="checkbox"/> Uninsured motorist (46) Other PIP/DWD (Personal Injury/Property Damage/Wrongful Death) Tort <input type="checkbox"/> Asbestos (04) <input type="checkbox"/> Product liability (24) <input type="checkbox"/> Medical malpractice (45) <input type="checkbox"/> Other PIP/DWD (23) Non-PIP/DWD (Other) Tort <input type="checkbox"/> Business tort/unfair business practice (07) <input type="checkbox"/> Civil rights (08) <input type="checkbox"/> Defamation (13) <input type="checkbox"/> Fraud (16) <input type="checkbox"/> Intellectual property (19) <input type="checkbox"/> Professional negligence (25) <input checked="" type="checkbox"/> Other non-PIP/DWD tort (35) Employment <input type="checkbox"/> Wrongful termination (36) <input type="checkbox"/> Other employment (15)	Contract <input type="checkbox"/> Breach of contract/warranty (06) <input type="checkbox"/> Rule 3.740 collections (09) <input type="checkbox"/> Other collections (08) <input type="checkbox"/> Insurance coverage (18) <input type="checkbox"/> Other contract (37) Real Property <input type="checkbox"/> Eminent domain/inverse condemnation (14) <input type="checkbox"/> Wrongful eviction (33) <input type="checkbox"/> Other real property (26) Unlawful Detainer <input type="checkbox"/> Commercial (31) <input type="checkbox"/> Residential (32) <input type="checkbox"/> Drugs (38) Judicial Review <input type="checkbox"/> Asset forfeiture (05) <input type="checkbox"/> Petition re: arbitration award (11) <input type="checkbox"/> Writ of mandate (02) <input type="checkbox"/> Other judicial review (39)	Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400-3.403) <input type="checkbox"/> Antitrust/Trade regulation (03) <input type="checkbox"/> Construction defect (10) <input type="checkbox"/> Mass tort (40) <input type="checkbox"/> Securities litigation (28) <input type="checkbox"/> Environmental/Toxic tort (30) <input type="checkbox"/> Insurance coverage claims arising from the above listed provisionally complex case types (41) Enforcement of Judgment <input type="checkbox"/> Enforcement of judgment (20) Miscellaneous Civil Complaint <input type="checkbox"/> RICO (27) <input type="checkbox"/> Other complaint (not specified above) (42) Miscellaneous Civil Petition <input type="checkbox"/> Partnership and corporate governance (21) <input type="checkbox"/> Other petition (not specified above) (43)
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2. This case ☐ is ☒ is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:
- | | |
|--|--|
| a. <input type="checkbox"/> Large number of separately represented parties | d. <input type="checkbox"/> Large number of witnesses |
| b. <input type="checkbox"/> Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve | e. <input type="checkbox"/> Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court |
| c. <input type="checkbox"/> Substantial amount of documentary evidence | f. <input type="checkbox"/> Substantial postjudgment judicial supervision |
3. Remedies sought (check all that apply): a. ☒ monetary b. ☐ nonmonetary; declaratory or injunctive relief c. ☒ punitive
4. Number of causes of action (specify): 3
5. This case ☐ is ☒ is not a class action suit.
6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.)
- Date: 8/21/2012

(TYPE OR PRINT NAME)

(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

NOTICE

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
- Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.

Page 1 of 2

1 Jeffrey R. Mcnard, Esq. SBN 248508
2 600 "B" St.
3 Suite 2230
4 San Diego, CA 92101
5 Telephone: (858) 240-2566

FILED
CIVIL BUSINESS OFFICE 13
CENTRAL DIVISION

2012 AUG 22 A 9:07

SAN DIEGO COUNTY, CA

6 Attorney for Plaintiffs,
7 FRANK ANTONIO CORONA, ROSALIE J. CORONA and FRANCESCA CORONA

8 **SUPERIOR COURT OF CALIFORNIA COUNTY OF SAN DIEGO**
9 **CENTRAL DIVISION**

10 FRANK ANTONIO CORONA, ROSALIE J.) Case No.: 37-2012-00102808-CU-NP-CTL
11 CORONA and FRANCESCA CORONA,)

12 PLAINTIFF,

13 v.

14 FIA CARD SERVICES, N.A. and Does 1
15 through 100

16 DEFENDANTS.

) COMPLAINT FOR VIOLATIONS OF THE
) ROSENTHAL FAIR DEBT COLLECTION
) PRACTICES ACT (CCC SECTION
) 1788-1788.32); VIOLATIONS OF
) THE TELEPHONE CONSUMER
) PROTECTION ACT (47 U.S.C. §227
) ET SEQ.); AND INTRSION

17 Demand for Jury Trial
18
19

20 COMES NOW PLAINTIFFS who seek damages against the DEFENDANTS, and each
21 of them as follows:
22

23 **I. INTRODUCTION**

24 1. The California legislature has determined that the banking and credit system and grantors
25 of credit to consumers are dependent upon the collection of just and owing debts and that
26 unfair or deceptive collection practices undermine the public confidence that is essential
27 to the continued functioning of the banking and credit system and sound extensions of
28

1 credit to consumers. The Legislature has further determined that there is a need to ensure
2 that debt collectors exercise this responsibility with fairness, honesty and due regard for
3 the debtor's rights and that debt collectors must be prohibited from engaging in unfair or
4 deceptive acts or practices.

5 2. Frank Antonio Corona, Rosalie J. Corona and Francesca Corona, individually,
6 (hereinafter "PLAINTIFFS"), by PLAINTIFF's attorney, brings this action to challenge
7 the actions of FIA CARD SERVICES, N.A. (hereinafter "FIA"), a business entity form
8 unknown and Does 1 through 100, (hereinafter FIA together with Does 1 through 100
9 will be referred to as "DEFENDANTS"), with regard to attempts by DEFENDANTS, a
10 debt collector, to unlawfully and abusively collect a debt allegedly owed by
11 PLAINTIFFS, and this conduct caused PLAINTIFFS damage.
12

13 3. For the purposes of this Complaint for Damages, unless otherwise indicated,
14 "DEFENDANTS" includes all agents, employees, officers, members, directors, heirs,
15 successors, assigns, principals, trustees, sureties, subrogees, representatives, managing
16 agents and insurers of DEFENDANT(s) named in this caption.
17
18
19

20 II. PARTIES

21 4. PLAINTIFFS are natural people who reside in the County of San Diego, State of
22 California and are obligated or allegedly obligated to pay a debt and are "consumers" as
23 that term is defined by 15 U.S.C. § 1692a(3).
24

25 5. PLAINTIFFS are natural people from whom a debt collector sought to collect a
26 consumer debt which was due and owing or alleged to be due and owing from
27
28

1 PLAINTIFFS and are "debtors" as that term is defined by California Civil Code §
2 1788.2(h).

3 6. PLAINTIFFS are informed and believe that Defendant, FIA, a business entity form
4 unknown, is a company operating and licensed to do business in San Diego County.

5 7. The identity and true names and capacities of the DEFENDANTS named herein as
6 DOES I through 100, inclusive and each of them are not known to PLAINTIFFS.

7 PLAINTIFFS will amend this complaint to allege their true names and capacities when
8 ascertained. PLAINTIFFS are informed and believe and thereon allege that each of the
9 fictitiously named DEFENDANTS are responsible in some way for the occurrences
10 alleged herein and that PLAINTIFFS damages as alleged herein were proximately caused
11 by the conduct of each of these DEFENDANTS.
12

13 8. PLAINTIFFS are informed and believe and thereon allege that each of the
14 DEFENDANTS named herein is the agent, employee, servant and/or successor of the
15 remaining DEFENDANTS in that in doing the acts alleged herein said DEFENDANTS
16 were acting within the course and scope of said agency, employment, agency or
17 successorship.
18

19 9. PLAINTIFFS are informed and believe, and thereon allege, that the DEFENDANTS are
20 entities that use instrumentalities of interstate commerce or the mails for business the
21 principal purpose of which is the collection of any debts, or who regularly collects or
22 attempts to collect, directly or indirectly, debts owed or due or asserted to be owed or due
23 another and is a "debt collector" as that term is defined by California Civil Code §
24 1788.2(c).
25
26
27
28

1 10. PLAINTIFFS are informed and believe, and thereon allege, that DEFENDANTS are not
2 attorneys or counselors at law and are an entity who, in the ordinary course of business,
3 regularly, on behalf of themselves or others, engages in debt collection as that term is
4 defined by California Civil Code § 1788.2(b), and is a "debt collector" as that term is
5 defined by California Civil Code § 1788.2(c).

6
7 11. This case involves money, property or their equivalent, due or owing or alleged to be due
8 or owing from a natural people by reason of a consumer credit transaction. As such, this
9 action arises out of a "consumer debt" and "consumer credit" as those terms are defined
10 by Cal. Civ. Code § 1788.2(f).
11

12
13 **III. FACTUAL ALLEGATIONS**

14 12. At all times relevant, PLAINTIFFS were individuals residing within the State of
15 California.

16 13. PLAINTIFFS are informed and believe, and thereon allege, that at all times relevant
17 DEFENDANTS conducted business in the State of California.

18 14. PLAINTIFFS allegedly incurred a financial obligation that was primarily for personal,
19 family or household purposes and is therefore a "debt" as that term is defined by 15
20 U.S.C. § 1692a(5) and Cal. Civ. Code § 1788.2(d). Namely, the PLAINTIFF allegedly
21 incurred a FIA Credit Card used for the purchase of regular household consumer items.
22

23 15. DEFENDANTS began and continued making calls on and off multiple times per day in
24 an attempt to collect this debt from PLAINTIFFS.
25

26 16. On 1/17/2012 at 5:45 pm, PLAINTIFF ROSALIE J. CORONA answered a telephone call
27 from FIA. ROSALIE J. CORONA, spoke to a representative of FIA who identified
28

1 themselves as "Diane" during which time FRANK CORONA, made it clear to "Diane"
2 of FIA that FIA did not have PLAINTIFFS permission to call any cellular phone.

3 17. On 1/17/2012 at 5:56 pm, (11 minutes after the previous phone call to FRANK
4 CORONA), PLAINTIFF ROSALIE J. CORONA answered a telephone call from FIA.
5 ROSALIE J. CORONA, spoke to a representative of FIA who identified themselves as
6 "Diane" during which time ROSALIE J. CORONA, made it clear to "Diane" of FIA that
7 FIA did not have PLAINTIFFS permission to call any cellular phone.
8

9 18. FIA then began to telephone Plaintiff, FRANCESCA CORONA, the mother of FRANK
10 CORONA, in order to harass her in an attempt to get FRANK CORONA and ROSALIE
11 J. CORONA to satisfy their debt. After each phone call to FRANCESCA CORONA,
12 FRANK CORONA telephoned FIA and instructed them to not call his mother,
13 FRANCESCA CORONA, anymore.
14

15 19. FIA telephoned FRANCESCA CORONA on three different occasions, ever after
16 FRANK CORONA, instructed not to do so.
17

18 20. Prior to 1/17/2012, FRANK CORONA and ROSALIE J. CORONA, received no less
19 than 500 phone calls total. FIA would call the PLAINTIFFS three times per day, once to
20 FRANK CORONA's cellular phone, once to ROSALIE J. CORONA's cellular phone
21 and once to their home phone line.
22

23 21. DEFENDANTS willfully and knowingly made no less than 300 phone calls to
24 PLAINTIFFS' cellular phones using an automatic phone dialer system.

25 22. PLAINTIFFS have never given any DEFENDANTS permission to call their cellular
26 phones and if DEFENDANTS did have authorization, PLAINTIFFS rescinded this
27 authorization on 1/17/2012.
28

1 23. These collection communications on these occasions to PLAINTIFFS were false,
2 deceptive, harassing, oppressive, and abusive communications by these DEFENDANTS
3 in violation of numerous and multiple provisions of the FDCPA and RFDCPA, including
4 but not to limited to violated California Civil Code Section 1788.17 by violating 15
5 U.S.C Section , 1692 (b)(3), 1692 d, 1692 d (5), 1692 e, and 1692 f. DEFENDANTS
6 also violated California Civil Code Section 1788.11 (d), and 1788.11(e).
7

8 24. The acts and omissions of the individual DEFENDANTS, and the other debt collectors
9 employed as agents by DEFENDANTS who communicated with PLAINTIFF as
10 described herein, were committed within the time and space limits of their agency
11 relationship with their principal, DEFENDANTS.
12

13 25. The acts and omissions by the individual DEFENDANTS and these other debt collectors
14 were incidental to, or of the same general nature as, the responsibilities these agents were
15 authorized to perform by DEFENDANTS in collecting consumer debts.
16

17 26. By committing these acts and omissions against PLAINTIFFS, the individual
18 DEFENDANTS and these other debt collectors were motivated to benefit their principal,
19 DEFENDANTS.
20

21 27. DEFENDANTS are therefore liable to PLAINTIFF through the Doctrine of Respondeat
22 Superior for the intentional and negligent acts, errors, and omissions done in violation of
23 state and federal law by its collection employees, including but not limited to violations
24 of the RFDCPA, in their attempts to collect this debt from PLAINTIFFS.
25

26 28. DEFENDANTS acted maliciously by repeatedly calling and harassing the PLAINTIFFS,
27 even after PLAINTIFFS instructed DEFENDANTS that DEFENDANTS did not have
28 PLAINTIFFS permission to call their cellular phones. This conduct was intended by the

1 DEFENDANTS to cause injury to the PLAINTIFF, and it did cause injury to the
 2 PLAINTIFFS. DEFENDANTS conduct was also despicable conduct which was carried
 3 on by the DEFENDANTS with a willful and conscious disregard of the rights of the
 4 PLAINTIFFS.

5 29. DEFENDANTS conduct was also oppressive. The repeated, harassing phone calls using
 6 abusive and aggressive tactics was despicable conduct that subjected the PLAINTIFFS to
 7 cruel and unjust hardship in conscious disregard of the PLAINTIFFS rights.
 8

9 30. In committing the acts alleged herein, DEFENDANTS, FIA, and DOES 1 through 100,
 10 and each of them, have acted maliciously and oppressively. Each of these acts has been
 11 ratified and adopted by DEFENDANTS' officers, director and managing agents, so as to
 12 justify an award of exemplary and/or punitive damages in an amount to be determined at
 13 the time of trial, sufficient to deter DEFENDANTS from engaging in the same conduct in
 14 the future.
 15

16 31. PLAINTIFFS have suffered actual damages as a result of these illegal collection
 17 communications by these DEFENDANTS in the form of anger, anxiety, deterioration of
 18 marriage, emotional distress, sadness, grieving, fear, frustration, embarrassment, amongst
 19 other negative emotions, as well as suffering from unjustified and abusive invasions of
 20 personal privacy at the PLAINTIFF' home.
 21
 22
 23

24 IV. FIRST CAUSE OF ACTION

25 (Violation of the Rosenthal Fair Debt Collection Practices Act Section 1788 – 1788.32)

26 32. PLAINTIFFS incorporate by reference all of the above paragraphs of this Complaint as
 27 though fully stated herein.
 28

1 33. The foregoing acts and omissions of DEFENDANTS constitute numerous and multiple
2 violations of the RFDCPA.

3 34. As a result of DEFENDANT's violations of the RFDCPA, PLAINTIFF is entitled to any
4 actual damages pursuant to California Civil Code § 1788.30(a); statutory damages for a
5 knowing or willful violation in the amount up to \$1,000.00 pursuant to California Civil
6 Code § 1788.30(b); and reasonable attorney's fees and costs pursuant to California Civil
7 Code § 1788.30(c) from DEFENDANT.
8

9
10 **V. SECOND CAUSE OF ACTION**

11 **(VIOLATIONS OF THE TELEPHONE CONSUMER PROTECTION ACT**

12 **47 U.S.C. § 227 et seq.)**

13
14 35. PLAINTIFFS incorporate by reference all of the above paragraphs of this Complaint as
15 though fully stated herein.

16 36. The foregoing acts and omissions of each and every DEFENDANT constitute numerous
17 and multiple violations of the TCPA including, but not limited to, each and every one of
18 the above-cited provisions of the TCPA, 47 U.S.C. § 227 et seq., with respect to each
19 PLAINTIFFS.
20

21 37. As a result of each and every DEFENDANT's violations of the TCPA, PLAINTIFFS are
22 entitled to actual damages pursuant to 47 U.S.C. §227 et seq.; statutory damages in an
23 amount up to \$500.00 for each violation pursuant to 47 U.S.C. §227 et seq.; statutory
24 damages in an amount up to \$1,500.00 for each willful or knowing violation pursuant to
25 47 U.S.C. §227 et seq.; and, reasonable attorney's fees and costs pursuant to 47 U.S.C.
26 §227 et seq. from each and every DEFENDANT herein.
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VI. THIRD CAUSE OF ACTION

(INTRUSION)

38. PLAINTIFFS incorporate by reference all of the above paragraphs of this Complaint as though fully stated herein.

39. DEFENDANTS intentionally penetrated PLAINTIFF's zone of sensory privacy surrounding him by repeatedly calling him and harassing him.

40. PLAINTIFFS had a reasonable expectation of seclusion and solitude at home and at work which is the primary place where most of these phone calls took place.

41. The 500 + phone calls in less than a year was highly offensive to PLAINTIFF and would be highly offensive to a reasonable person.

WHEREFORE, PLAINTIFF prays that judgment be entered against DEFENDANTS for:

FIRST CAUSE OF ACTION

1. An award of statutory damages of \$1,000.00, pursuant to California Civil Code § 1788.30(b), from Defendant and for each Plaintiff;
2. An award of costs of litigation and reasonable attorney's fees, pursuant to California Civil Code § 1788.30(c), from Defendant and for each Plaintiff.

SECOND CAUSE OF ACTION

1. For an award of actual damages pursuant to 47 U.S.C. §227 et seq. against each and every Defendant and for each Plaintiff;

2. For an award of statutory damages of \$1,500.00 per violation pursuant to 47 U.S.C. §227 et seq. against each and every Defendant and for each Plaintiff;
3. For an award of costs of litigation and reasonable attorney's fees pursuant to 47 U.S.C. §227 et seq. against each and every Defendant and for each Plaintiff;

THIRD CAUSE OF ACTION

4. For an award of actual damages against each and every Defendant and for each Plaintiff;
5. For an award of emotional distress damages against each and every Defendant and for each Plaintiff;
6. For an award of punitive damages against each and every Defendant and for each Plaintiff;

Dated: 8/21/2012

By: _____

Jeffery R. Menard, attorney for PLAINTIFFS



Superior Court of California
County of San Diego

**NOTICE OF ASSIGNMENT
TO IMAGING DEPARTMENT**

This case has been assigned to an Imaging Department and original documents attached to pleadings filed with the court will be imaged and destroyed. Original documents should not be filed with pleadings. If necessary, they should be lodged with the court under California Rules of Court, rule 3.1302(b).

On August 1, 2011 the San Diego Superior Court began the Electronic Filing and Imaging Pilot Program ("Program"). As of August 1, 2011 in all new cases assigned to an Imaging Department all filings will be imaged electronically and the electronic version of the document will be the official court file. The official court file will be electronic and accessible at one of the kiosks located in the Civil Business Office and on the Internet through the court's website. This Program will be expanding to other civil courtrooms over time.

You should be aware that the electronic copy of the filed document(s) will be the official court record pursuant to Government Code section 68150. The paper filing will be imaged and held for 90 days. After that time it will be destroyed and recycled. **Thus, you should not attach any original documents to pleadings filed with the San Diego Superior Court. Original documents filed with the court will be imaged and destroyed except those documents specified in California Rules of Court, rule 3.1806. Any original documents necessary for a motion hearing or trial shall be lodged in advance of the hearing pursuant to California Rules of Court, rule 3.1302(b).**

It is the duty of each plaintiff, cross-complainant or petitioner to serve a copy of this notice with the complaint, cross-complaint or petition on all parties in the action.

On all pleadings filed after the initial case originating filing, all parties must, to the extent it is feasible to do so, place the words **"IMAGED FILE"** in all caps immediately under the title of the pleading on all subsequent pleadings filed in the action.

Please refer to the General Order - Imaging located on the San Diego Superior Court website at:

<http://www.sdcourt.ca.gov/CivillmagingGeneralOrder>

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO STREET ADDRESS: 330 West Broadway MAILING ADDRESS: 330 West Broadway CITY AND ZIP CODE: San Diego, CA 92101 BRANCH NAME: Central TELEPHONE NUMBER: (619) 450-7075	
PLAINTIFF(S) / PETITIONER(S): Frank Antonio Corona et al.	
DEFENDANT(S) / RESPONDENT(S): FIA CARD SERVICES NA	
CORONA VS. FIA CARD SERVICES NA	
NOTICE OF CASE ASSIGNMENT	CASE NUMBER: 37-2012-00102808-CU-NP-CTL

Judge: Richard E. L. Strauss

Department: C-75

COMPLAINT/PETITION FILED: 08/22/2012

**ALL CASES MUST COMPLY WITH THE CIVIL REQUIREMENTS LISTED BELOW,
EXCEPT FOR PARKING CITATION APPEALS**

IT IS THE DUTY OF EACH PLAINTIFF (AND CROSS-COMPLAINANT) TO SERVE A COPY OF THIS NOTICE WITH THE COMPLAINT (AND CROSS-COMPLAINT), THE ALTERNATIVE DISPUTE RESOLUTION (ADR) INFORMATION FORM (SDSC FORM #CIV-730), A STIPULATION TO USE ALTERNATIVE DISPUTE RESOLUTION (ADR) (SDSC FORM #CIV-359), AND OTHER DOCUMENTS AS SET OUT IN SDSC LOCAL RULE 2.1.5.

ALL COUNSEL WILL BE EXPECTED TO BE FAMILIAR WITH SUPERIOR COURT RULES WHICH HAVE BEEN PUBLISHED AS DIVISION II, AND WILL BE STRICTLY ENFORCED.

TIME STANDARDS: The following timeframes apply to general civil cases and must be adhered to unless you have requested and been granted an extension of time. General civil cases consist of all civil cases except: small claims proceedings, civil petitions, unlawful detainer proceedings, probate, guardianship, conservatorship, juvenile, and family law proceedings.

COMPLAINTS: Complaints and all other documents listed in SDSC Local Rule 2.1.5 must be served on all named defendants, and a Certificate of Service (SDSC form #CIV-345) filed within 60 days of filing.

DEFENDANT'S APPEARANCE: Defendant must generally appear within 30 days of service of the complaint. (Plaintiff may stipulate to no more than 15 day extension which must be in writing and filed with the Court.) (SDSC Local Rule 2.1.6)

DEFAULT: If the defendant has not generally appeared and no extension has been granted, the plaintiff must request default within 45 days of the filing of the Certificate of Service. (SDSC Local Rule 2.1.7)

CASE MANAGEMENT CONFERENCE: A Case Management Conference will be set within 150 days of filing the complaint.

ALTERNATIVE DISPUTE RESOLUTION (ADR): THE COURT ENCOURAGES YOU TO CONSIDER UTILIZING VARIOUS ALTERNATIVES TO TRIAL, INCLUDING MEDIATION AND ARBITRATION, PRIOR TO THE CASE MANAGEMENT CONFERENCE. PARTIES MAY FILE THE ATTACHED STIPULATION TO USE ALTERNATIVE DISPUTE RESOLUTION (SDSC FORM #CIV-359).

YOU MAY ALSO BE ORDERED TO PARTICIPATE IN ARBITRATION. IF THE CASE IS ORDERED TO ARBITRATION PURSUANT TO CODE CIV. PROC. 1411.11, THE COSTS OF ARBITRATION WILL BE PAID BY THE COURT PURSUANT TO CODE CIV. PROC. 1141.28.

FOR MORE INFORMATION, SEE THE ATTACHED ALTERNATIVE DISPUTE RESOLUTION (ADR) INFORMATION FORM (SDSC FORM #CIV-730)



SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO

ALTERNATIVE DISPUTE RESOLUTION (ADR) INFORMATION

CASE NUMBER: 37-2012-00102808-CU-NP-CTL CASE TITLE: Corona vs. FIA CARD SERVICES NA

NOTICE: All plaintiffs/cross-complainants in a general civil case are required to serve a copy of the following three forms on each defendant/cross-defendant, together with the complaint/cross-complaint:

- (1) this Alternative Dispute Resolution (ADR) Information form (SDSC form #CIV-730),
- (2) the Stipulation to Use Alternative Dispute Resolution (ADR) form (SDSC form #CIV-359), and
- (3) the Notice of Case Assignment form (SDSC form #CIV-721).

Most civil disputes are resolved without filing a lawsuit, and most civil lawsuits are resolved without a trial. The courts, community organizations, and private providers offer a variety of Alternative Dispute Resolution (ADR) processes to help people resolve disputes without a trial. The San Diego Superior Court expects that litigants will utilize some form of ADR as a mechanism for case settlement before trial, and it may be beneficial to do this early in the case.

Below is some information about the potential advantages and disadvantages of ADR, the most common types of ADR, and how to find a local ADR program or neutral. A form for agreeing to use ADR is attached (SDSC form #CIV-359).

Potential Advantages and Disadvantages of ADR

ADR may have a variety of advantages or disadvantages over a trial, depending on the type of ADR process used and the particular case:

Potential Advantages

- Saves time
- Saves money
- Gives parties more control over the dispute resolution process and outcome
- Preserves or improves relationships

Potential Disadvantages

- May take more time and money if ADR does not resolve the dispute
- Procedures to learn about the other side's case (discovery), jury trial, appeal, and other court protections may be limited or unavailable

Most Common Types of ADR

You can read more information about these ADR processes and watch videos that demonstrate them on the court's ADR webpage at <http://www.sdcourt.ca.gov/adr>.

Mediation: A neutral person called a "mediator" helps the parties communicate in an effective and constructive manner so they can try to settle their dispute. The mediator does not decide the outcome, but helps the parties to do so. Mediation is usually confidential, and may be particularly useful when parties want or need to have an ongoing relationship, such as in disputes between family members, neighbors, co-workers, or business partners, or when parties want to discuss non-legal concerns or creative resolutions that could not be ordered at a trial.

Settlement Conference: A judge or another neutral person called a "settlement officer" helps the parties to understand the strengths and weaknesses of their case and to discuss settlement. The judge or settlement officer does not make a decision in the case but helps the parties to negotiate a settlement. Settlement conferences may be particularly helpful when the parties have very different ideas about the likely outcome of a trial and would like an experienced neutral to help guide them toward a resolution.

Arbitration: A neutral person called an "arbitrator" considers arguments and evidence presented by each side and then decides the outcome of the dispute. Arbitration is less formal than a trial, and the rules of evidence are usually relaxed. If the parties agree to binding arbitration, they waive their right to a trial and agree to accept the arbitrator's decision as final. With nonbinding arbitration, any party may reject the arbitrator's decision and request a trial. Arbitration may be appropriate when the parties want another person to decide the outcome of their dispute but would like to avoid the formality, time, and expense of a trial.

Other ADR Processes: There are several other types of ADR which are not offered through the court but which may be obtained privately, including neutral evaluation, conciliation, fact finding, mini-trials, and summary jury trials. Sometimes parties will try a combination of ADR processes. The important thing is to try to find the type or types of ADR that are most likely to resolve your dispute. Be sure to learn about the rules of any ADR program and the qualifications of any neutral you are considering, and about their fees.

Local ADR Programs for Civil Cases

Mediation: The San Diego Superior Court maintains a Civil Mediation Panel of approved mediators who have met certain minimum qualifications and have agreed to charge \$150 per hour for each of the first two (2) hours of mediation and their regular hourly rate thereafter in court-referred mediations.

On-line mediator search and selection: Go to the court's ADR webpage at www.sdcourt.ca.gov/adr and click on the "Mediator Search" to review individual mediator profiles containing detailed information about each mediator including their dispute resolution training, relevant experience, ADR specialty, education and employment history, mediation style, and fees and to submit an on-line Mediator Selection Form (SDSC form #CIV-005). The Civil Mediation Panel List, the Available Mediator List, Individual Mediator Profiles, and Mediator Selection Form (CIV-005) can also be printed from the court's ADR webpage and are available at the Mediation Program Office or Civil Business Office at each court location.

Settlement Conference: The judge may order your case to a mandatory settlement conference, or voluntary settlement conferences may be requested from the court if the parties certify that: (1) settlement negotiations between the parties have been pursued, demands and offers have been tendered in good faith, and resolution has failed; (2) a judicially supervised settlement conference presents a substantial opportunity for settlement; and (3) the case has developed to a point where all parties are legally and factually prepared to present the issues for settlement consideration and further discovery for settlement purposes is not required. Refer to SDSC Local Rule 2.2.1 for more information. To schedule a settlement conference, contact the department to which your case is assigned.

Arbitration: The San Diego Superior Court maintains a panel of approved judicial arbitrators who have practiced law for a minimum of five years and who have a certain amount of trial and/or arbitration experience. Refer to SDSC Local Rules Division II, Chapter III and Code Civ. Proc. § 1141.10 et seq or contact the Arbitration Program Office at (619) 450-7300 for more information.

More information about court-connected ADR: Visit the court's ADR webpage at www.sdcourt.ca.gov/adr or contact the court's Mediation/Arbitration Office at (619) 450-7300.

Dispute Resolution Programs Act (DRPA) funded ADR Programs: The following community dispute resolution programs are funded under DRPA (Bus. and Prof. Code §§ 465 et seq.):

- In Central, East, and South San Diego County, contact the National Conflict Resolution Center (NCRC) at www.ncrconline.com or (619) 238-2400.
- In North San Diego County, contact North County Lifeline, Inc. at www.nclifeline.org or (760) 726-4900.

Private ADR: To find a private ADR program or neutral, search the Internet, your local telephone or business directory, or legal newspaper for dispute resolution, mediation, settlement, or arbitration services.

Legal Representation and Advice

To participate effectively in ADR, it is generally important to understand your legal rights and responsibilities and the likely outcomes if you went to trial. ADR neutrals are not allowed to represent or to give legal advice to the participants in the ADR process. If you do not already have an attorney, the California State Bar or your local County Bar Association can assist you in finding an attorney. Information about obtaining free and low cost legal assistance is also available on the California courts website at www.courtinfo.ca.gov/selfhelp/lowcost.

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO STREET ADDRESS: 330 West Broadway MAILING ADDRESS: 330 West Broadway CITY, STATE, & ZIP CODE: San Diego, CA 92101-3827 BRANCH NAME: Central		FOR COURT USE ONLY
PLAINTIFF(S): Frank Antonio Corona et.al.		
DEFENDANT(S): FIA CARD SERVICES NA		
SHORT TITLE: CORONA VS. FIA CARD SERVICES NA		
STIPULATION TO USE ALTERNATIVE DISPUTE RESOLUTION (ADR)		CASE NUMBER: 37-2012-00102808-CU-NP-CTL

Judge: Richard E. L. Strauss

Department: C-75

The parties and their attorneys stipulate that the matter is at issue and the claims in this action shall be submitted to the following alternative dispute resolution (ADR) process. Selection of any of these options will not delay any case management timelines.

- | | |
|---|--|
| <input type="checkbox"/> Mediation (court-connected) | <input type="checkbox"/> Non-binding private arbitration |
| <input type="checkbox"/> Mediation (private) | <input type="checkbox"/> Binding private arbitration |
| <input type="checkbox"/> Voluntary settlement conference (private) | <input type="checkbox"/> Non-binding judicial arbitration (discovery until 15 days before trial) |
| <input type="checkbox"/> Neutral evaluation (private) | <input type="checkbox"/> Non-binding judicial arbitration (discovery until 30 days before trial) |
| <input type="checkbox"/> Other (specify e.g., private mini-trial, private judge, etc.): _____ | |

It is also stipulated that the following shall serve as arbitrator, mediator or other neutral: (Name) _____

Alternate neutral (for court Civil Mediation Program and arbitration only): _____

Date: _____

Date: _____

Name of Plaintiff

Name of Defendant

Signature

Signature

Name of Plaintiff's Attorney

Name of Defendant's Attorney

Signature

Signature

If there are more parties and/or attorneys, please attach additional completed and fully executed sheets.

It is the duty of the parties to notify the court of any settlement pursuant to Cal. Rules of Court, rule 3.1385. Upon notification of the settlement, the court will place this matter on a 45-day dismissal calendar.

No new parties may be added without leave of court.

IT IS SO ORDERED.

 JUDGE OF THE SUPERIOR COURT

Dated: 08/22/2012

SDSC CIV-359 (Rev 12-10)

STIPULATION TO USE OF ALTERNATIVE DISPUTE RESOLUTION

Page: 1

PROOF OF SERVICE

1 STATE OF CALIFORNIA)
2) ss
3 COUNTY OF LOS ANGELES)

4 I am employed in the County of Los Angeles, State of California. I am over the
5 age of 18 and not a party to the within action. My business address is 355 South Grand
6 Avenue, Suite 2900, Los Angeles, California 90071.

7 I am readily familiar with the firm's business practice of collection and processing
8 correspondence for mailing with the U.S. Postal Service. Under said practice,
9 correspondence is deposited with the U.S. Postal Service in the ordinary course of
10 business on that same day with postage thereon fully prepaid. I am aware that on
11 motion of the party served, service is presumed invalid if the postal cancellation date or
12 postage meter date is more than one day after the date of deposit for mailing in this
13 declaration.

14 On September 24, 2012, I served the foregoing document described as: **NOTICE**
15 **OF REMOVAL OF CIVIL ACTION UNDER 28 U.S.C. § 1441(b) AND (c)** by
16 having placed a true copy thereof in a sealed envelope addressed as follows:

17 Jeffrey R. Menard, Esq.
18 350 10th Avenue
19 Suite 1000
20 San Diego, California 92101
21 Telephone: (858) 240-2566

22 I deposited such envelope with postage thereon prepaid with the United States Postal
23 Service at 355 South Grand Avenue, Suite 2900, Los Angeles, California.

24 I am employed in the office of a member of the bar at whose direction service
25 was effected.

26 Executed on September 24, 2012, at Los Angeles, California.

27 Charles Koster
28 Type or Print Name



JS 44 (Rev. 09/11)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

Frank Antonio Corona, Rosalie J. Corona, and Francesa Corona

DEFENDANTS

HIA Card Services, N.A.

12 SEP 2012 12CV2322 LAB JMA

(b) County of Residence of First Listed Plaintiff San Diego
(EXCEPT IN U.S. PLAINTIFF CASES)

CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
County of Residence of First Listed Defendant

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.
DEPUTY

(c) Attorneys (Firm Name, Address, and Telephone Number)
Jeffrey R. Menard, 350 10th Ave. Ste 1000
San Diego, California 92101
658-240-2566

Attorneys (If Known)
Raagini Shah, Reed Smith LLP, 355 South Grand Ave. Suite 2900,
Los Angeles, California 90071
213-457-8000

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
☐ 2 U.S. Government Defendant
☒ 3 Federal Question (U.S. Government Not a Party)
☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Med. Malpractice	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement	<input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus - Alien Detainee (Prisoner Petition) <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input checked="" type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes

V. ORIGIN

(Place an "X" in One Box Only)

- ☐ 1 Original Proceeding
☒ 2 Removed from State Court
☐ 3 Remanded from Appellate Court
☐ 4 Reinstated or Reopened
☐ 5 Transferred from another district (specify)
☐ 6 Multidistrict Litigation

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
47 U.S.C. Section 227 et seq.

Brief description of cause:

Alleges violation of the Telephone Consumer Protection Act by Defendant

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

09/24/2012

SIGNATURE OF ATTORNEY OF RECORD

Rum

FOR OFFICE USE ONLY

RECEIPT

42881

AMOUNT

\$350 -

APPLYING IFP

JUDGE

MAG. JUDGE

09/24/12

PROOF OF SERVICE

1 STATE OF CALIFORNIA }
2 } ss
3 COUNTY OF LOS ANGELES }

4 I am employed in the County of Los Angeles, State of California. I am over the
5 age of 18 and not a party to the within action. My business address is 355 South Grand
6 Avenue, Suite 2900, Los Angeles, California 90071.

7 I am readily familiar with the firm's business practice of collection and processing
8 correspondence for mailing with the U.S. Postal Service. Under said practice,
9 correspondence is deposited with the U.S. Postal Service in the ordinary course of
10 business on that same day with postage thereon fully prepaid. I am aware that on
11 motion of the party served, service is presumed invalid if the postal cancellation date or
12 postage meter date is more than one day after the date of deposit for mailing in this
13 declaration.

14 On September 24, 2012, I served the foregoing document described as: **CIVIL**
15 **COVER SHEET** by having placed a true copy thereof in a sealed envelope addressed
16 as follows:

17 Jeffrey R. Menard, Esq.
18 350 10th Avenue
19 Suite 1000
20 San Diego, California 92101
21 Telephone: (858) 240-2566

22 I deposited such envelope with postage thereon prepaid with the United States Postal
23 Service at 355 South Grand Avenue, Suite 2900, Los Angeles, California.

24 I am employed in the office of a member of the bar at whose direction service
25 was effected.

26 Executed on September 24, 2012, at Los Angeles, California.

27 Charles Koster
28 Type or Print Name



Court Name: USDC California Southern
Division: 3
Receipt Number: CAS042881
Cashier ID: mbain
Transaction Date: 09/24/2012
Payer Name: SAN DIEGO LEGAL SUPPORT SVCS

CIVIL FILING FEE

For: CORONA V FIA CARD SERVICES
Case/Party: D-CAS-3-12-CV-002322-001
Amount: \$350.00

CHECK

Check/Money Order Num: 114928
Amt Tendered: \$350.00

Total Due: \$350.00
Total Tendered: \$350.00
Change Amt: \$0.00

There will be a fee of \$53.00
charged for any returned check.